



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/478,192	06/07/95	JENDERSEE	B P-1906,01

RICHARD L. KLEIN
ARTERIAL VASCULAR ENGINEERING
3576 UNOCAL PLACE
SANTA ROSA CA 95403

QM31/0804

EXAMINER	
LEWIS, W	
ART UNIT	PAPER NUMBER
3731	#13

DATE MAILED:

08/04/98

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

BEST AVAILABLE COPY

SUPPLEMENTAL
Notice of Allowability

Application No.
08/478,192

Applicant(s)
Jendersee et al.

Examiner
William Lewis

Group Art Unit
3731



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to papers filed 5-15-98

☐ The allowed claim(s) is/are _____

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☒ including changes required by the proposed drawing correction filed on May 15, 1998, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

WILLIAM LEWIS
PATENT EXAMINER
GROUP 3300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEST AVAILABLE COPY

In re application of:	:	
Bradly JENDERSEE et al.	:	
	:	Group Art Unit: 3309
Serial No.: 08/478,192	:	
	:	
Batch No.: B11	:	
	:	
Filed: June 7, 1995	:	Examiner: William Lewis
	:	
For: STENT DELIVERY AND	:	
DEPLOYMENT METHOD	:	
	:	May 12, 1998.
Atty. Docket No.: P107-CIP	:	

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

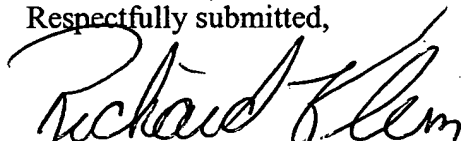
TRANSMITTAL OF PAYMENT OF CORRECTED BASE ISSUE FEE

Enclosed herewith is the ISSUE FEE TRANSMITTAL indicating a corrected issue fee. Applicants submitted a NOTIFICATION OF LOSS OF SMALL ENTITY STATUS which was received at the U.S.P.T.O. on June 30, 1997.

Also enclosed are COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE.

New, corrected formal drawings are being submitted, under separate cover, to the Drafting Review Branch.

Respectfully submitted,



Richard L. Klein
Registration No. 33,330
Attorney for Applicants

Arterial Vascular Engineering
3576 Unocal Place
Santa Rosa, CA 95403
Telephone No.: (707) 541-3155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEST AVAILABLE COPY

In re application of:	:	
Bradly JENDERSEE et al.	:	
	:	Group Art Unit: 3309
Serial No.: 08/478,192	:	
	:	
Batch No.: B11	:	
	:	
Filed: June 7, 1995	:	Examiner: William Lewis
	:	
For: STENT DELIVERY AND DEPLOYMENT METHOD	:	
	:	
	:	May 12, 1998
Atty. Docket No.: P107-CIP	:	

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The Examiner's Amendment, attached to the Notice of Allowability, includes a statement for reasons for allowance. And invites comments thereto. The following are Applicants' observations regarding this statement.

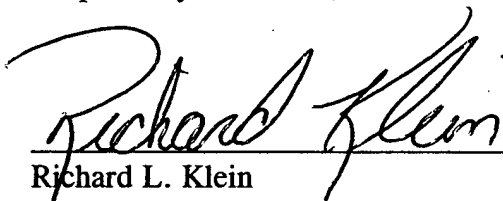
The Examiner states that "the primary reason for allowance is the fact that the prior art fails to teach or adequately disclose of a device comprising a stent which is encasulated [sic] by a balloon which also places the stent into position." See, Examiners' Amendment. Applicants do not disagree with this statement. But rather desire to maintain the record clear as to the meaning or scope of the term "encapsulated."

The specification defines this term to include "where the balloon surrounds at least a portion of the stent." See, specification at page 9, line 13. This is consistent with the claim

language which recites "wherein said balloon at least partially surrounds at least a portion of said at least one endovascular support device . . ." See, e.g., claim 17.

Therefore, it is considered to be clear that the term "encapsulated" refers to a balloon which contacts at least a portion of the stent and at least partially conforms to said portion.

Respectfully submitted,



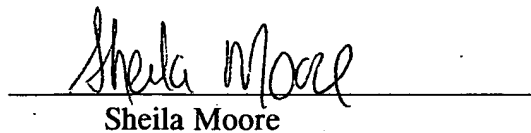
Richard L. Klein
Registration No. 33,330
Attorney for Applicants

Arterial Vascular Engineering
3576 Unocal Place
Santa Rosa, CA 95403
Telephone No.: (707) 541-3155

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in the envelope addressed to: Box ISSUE FEE, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: May 12, 1998



Sheila Moore